

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

CARL SPARKS,

Plaintiff and Appellant,

v.

KERN COUNTY BOARD OF SUPERVISORS,

Defendant and Respondent;

COUNTY OF KERN,

Real Party in Interest and
Respondent.

F055455

(Super. Ct. No. S-1500-CV258218)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the published opinion filed herein on April 29, 2009, be modified as follows:

On page 2 of the typewritten opinion, delete the last sentence in the first paragraph after “and Sparks provided his own defense” and replace it with the following sentence and footnote 1:

At trial, the court granted Sparks’s motions for a directed verdict and a nonsuit, and judgment was entered in his favor.¹

At the bottom of page 2 of the typewritten opinion, add the following footnote and renumber all subsequent footnotes:

¹On appeal, this court held that the nonsuit/directed verdict motions should not have been granted on the False Claims Act cause of action. (*County of Kern v. Sparks* (2007) 149 Cal.App.4th 11.) Nevertheless, following remand, the County dismissed the action.

There is no change in the judgment.

Levy, Acting J.

WE CONCUR:

Hill, J.

Kane, J.